

Arizona Department of Public Safety Victims of Crime Act Crime Victim Assistance Grant

GUIDELINES



**Crime Victim Assistance Grant
Arizona Department of Public Safety
VOCA Administration, Mail Drop 1320
PO Box 6638
Phoenix, Arizona 85005-6638**

**THIS DOCUMENT SHOULD BE RETAINED AS PART OF
AN AGENCY'S PERMANENT VOCA GRANT RECORDS.**

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ARIZONA DEPARTMENT OF PUBLIC SAFETY

VICTIMS OF CRIME ACT (VOCA) CRIME VICTIM ASSISTANCE GRANT VOCA GUIDELINES

The Arizona Department of Public Safety (DPS), VOCA Administration (VOCA), is issuing VOCA Guidelines to implement the VOCA Victim Assistance grant program as authorized by the Victims of Crime Act of 1984, Section 1404(a)(2), and 1404(b)(1) and (2), 42 U.S.C. 10603(a)(2) and (b)(1) and (2). The VOCA Guidelines provide information on the administration and implementation of the VOCA assistance grant program for the state of Arizona pursuant to Arizona Revised Statute (ARS) 41-1711, as amended. These guidelines are all inclusive and effective upon publication for the VOCA victim assistance grant program, until further revised by DPS-VOCA.

DPS-VOCA supports and promotes quality services for crime victims by partnering with local agencies throughout Arizona that perform the essential work of victim assistance. The provision of rights and mandated services outlined in Arizona's Constitution and the Victims' Rights Act provide the beginning of a foundation of important services to crime victims.

FOR FURTHER INFORMATION CONTACT: The Arizona Department of Public Safety, VOCA Administration, Mail Drop 1320, PO Box 6638, Phoenix, Arizona 85005.

EFFECTIVE DATE: These guidelines are in effect for grants beginning October 1, 2015, until further revised by DPS. These guidelines should be adhered to when completing an application for funding for the fiscal year (FY) 15/16 Request for Grant Application process.

Preface:

Historically, VOCA funds were limited due to a cap (determined by Congress) placed on the amount of funds that could be utilized each year for victim compensation and victim assistance awards to each state. Because of the efforts of the victim services community, Congress increased the cap for FY 2015 awards from \$745 million to \$2.361 billion. This tremendous increase resulted in Arizona's award increasing from approximately \$9.3 million in fiscal year 2014 to \$40.7 million in fiscal year 2015. DPS has reviewed the current state and federal guidelines and, where possible, has eliminated prior restrictions. In addition, based on the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) (http://ojp.gov/funding/Apply/Resources/2CFR200_2013.pdf), clarifying language has been added regarding subrecipient responsibilities. As a result, DPS is providing the following overview of the specific changes to this year's VOCA guidelines including the citation for the relevant section for additional details.

Child Abuse: The definition of child abuse has been expanded to provide clarification. Child Abuse may include, but is not limited to, victims of crime involving child physical, sexual, or emotional abuse; victims of child pornography related offenses; victims of child neglect; victims of commercial sexual exploitation of children; and children who are exposed to or witness violence. Child is any person under the age of 18 or as otherwise defined by State law. (Section I., Part a. Item ii.)

Emergency Financial Assistance: The definition of emergency financial assistance has been expanded to specifically include hotel nights when appropriate shelter placement is not available. (Section I., Part c., Item ix.)

Applicant Organization Eligibility Requirements: The Department of Justice (DOJ), Office for Victims of Crime (OVC) has added two additional requirements for subrecipients that receive VOCA funds. Once awarded funds, subrecipients (both public and nonprofit) must make their financial statements publicly available online. Additionally, nonprofit organizations must demonstrate their nonprofit status by submitting appropriate documentation as part of the VOCA Subgrant Award Agreement packet. (Section III., Part c., Item ii.)

Match Waiver: OVC recognizes that the requirement to meet the 20% match threshold may create a barrier to expanding or enhancing services for some agencies. Therefore, OVC may grant match waivers (in full or in part) if the subrecipient can demonstrate an extraordinary need for the match requirement to be waived. Guidance for requesting a match waiver is provided in the Applicant Organization Eligibility Requirements section. (Section III., Part c, Item iii.)

Victims' Rights Training: The requirement for VOCA-funded staff to attend Victims' Rights training has been expanded to include those staff members used as match for the VOCA project as well as all VOCA-funded and match staff from criminal justice agencies. The Arizona Attorney General's Office offers the only DPS approved Victims' Rights Training. This modification to the training requirement will ensure that all VOCA-funded and match staff have a basic understanding of the rights of crime victims. (Section III. Part c., Item vii.)

OVC Performance Measures: DOJ has drafted performance measures that will be used to improve the operation of the VOCA Victim Assistance Program. Once finalized, subrecipients will be required to implement the performance measures as part of their FY 15/16 project. The draft version of the performance measures can be found in the Public Forms and Information section of the Web-Based Automated Grants System (titled Victim Assistance Subgrantee Report – OVC.)

Allowable Costs for Direct Services: As outlined below, new allowable costs have been identified as well as modifications to current allowable costs.

- Victim Notification has been included under Assistance with Participation in Criminal Justice Proceedings (Section III., Part f., Item 3.)
- Enhancements associated with conducting Forensic Examinations are allowable (Section III., Part f., Item 4.)

- Overtime, bilingual pay, shift differential, and longevity pay have been included under Personnel Costs as well as clarifying language regarding fringe benefits and exempt employees (Section III., Part f., Item 7.)
- Travel reimbursements are based on *federal* travel rates or board-approved agency travel rates (Section III, Part g., Item iii.)
- Technology enhancements have been included under Advanced Technologies (Section III., Part g., Item vi.)
- Indirect costs and membership costs for state and/or national professional organizations have been included under Operating Costs (Section III., Part g., Item viii.)

GUIDELINES FOR CRIME VICTIM ASSISTANCE GRANTS

I. Background

In 1984, VOCA established the Crime Victims Fund (Fund) in the US Treasury and authorized the Fund to receive deposits of fines and penalties levied against criminals convicted of federal crimes. This Fund provides the source of funding for carrying out all the activities authorized by VOCA for the award of crime victim compensation and crime victim assistance funds to the states. VOCA gives the states sole authority to determine the best use of VOCA victim assistance grant funds within each state.

a. Definitions:

For the purpose of the VOCA grant program, the following definitions apply:

- i. ***Crime Victim*** is anyone of any age who has suffered financial, physical, sexual or emotional harm as a result of the commission of a crime. Each person and each situation has varying circumstances with different personal reactions, problems, and needs. A victim is defined as the person against whom the crime was committed, except in the case of homicide and DUI/DWI deaths where the “victims” are survivors. In domestic violence situations, children of spouse/partner abuse victims are considered victims. The immediate family members of a rape victim who receive counseling, non-offending parents of child abuse victims and surviving family members of homicide and DUI/DWI victims are considered victims for purposes of the crime victim assistance grant program.
- ii. ***Child Abuse*** may include, but is not limited to, victims of crime involving child physical, sexual, or emotional abuse; victims of child pornography related offenses; victims of child neglect; victims of commercial sexual exploitation of children; and children who are exposed to or witness violence. Child is any person under the age of 18 or as otherwise defined by State law.

- iii. ***Elder Abuse*** is defined as abuse of vulnerable adults including the mistreatment of older persons through physical, sexual, or psychological violence; neglect; or economic exploitation and fraud.
- iv. ***Federal Crime Victim*** is defined as a victim of an offense that violates a federal criminal statute or regulation. Federal crimes also include crimes that occur in an area where the federal government has jurisdiction, such as Indian reservations, some national parks, some federal buildings, and military installations.
- v. ***Native American Tribe/Organization*** is defined as any tribe, band, nation, or other organized group or community, which is recognized as eligible for the special programs and services provided by the U.S. to Native Americans because of their status as Native Americans. A reservation is defined as a tract of land set aside for use of, and occupancy by, Native Americans.
- vi. ***Hate Crime Victim*** is defined as a victim of an act of intimidation, harassment, physical force, or threat of physical force directed against any person, or family, or their property, or advocate, motivated either in whole or in part by hostility because of race, color, ethnic background, national origin, religion, sex, age, disability, or sexual orientation, real or perceived, with the intention of causing fear or intimidation, or of deterring the free exercise or enjoyment of any rights or privileges secured by the Constitution or laws of the United States or the state of Arizona.
- vii. ***Economic Exploitation and Fraud Victim*** is defined as an individual victimized by the perpetrators of bogus vacation opportunities, fly-by-night home repair companies, advance fee schemes, mail fraud, computer fraud, health care fraud, insurance fraud, pension and trust fund fraud, credit card fraud, check fraud, charity fraud, home repair schemes, identity theft, land schemes, embezzlement, securities and investment fraud (including commodities fraud), telemarketing fraud, and reverse mortgage fraud. Fraud crimes can be prosecuted at either the state or federal level, depending on a number of factors: type of fraud scheme and amount of money stolen, laws violated (federal, state or both), method of operation, use of public services (such as the US Postal Service, telecommunications systems, and Medicare) that fall under federal or state regulation and authority, location of the crime (within state or across state or national borders).

Although VOCA-funded programs cannot restore the financial losses suffered by victims of fraud, victims are eligible for counseling, criminal justice advocacy, and other support services offered by VOCA-funded victim assistance programs.

b. Primary Purpose:

The primary purpose of these grants is to support agency staff who provide direct services to victims of crime in Arizona. Priority will be given to projects serving victims of sexual assault, domestic violence, child physical and sexual abuse, and previously underserved victims of violent crime such as drunk driving crashes, elder abuse, adults molested as children, survivors of homicide victims, robbery or bank robbery, assault, stalking, kidnapping, identity theft, hate crimes and victims of exploitation and fraud. For the purpose of the VOCA guidelines, services are defined as those efforts that **(1) respond to the emotional and physical needs [healing] of crime victims; (2) assist primary and secondary victims of crime to stabilize [restitution/economic restabilization] their lives after a victimization; (3) assist victims to understand and participate in the criminal [justice] system; and (4) provide victims of crime with a measure of [safety] and security** such as boarding up broken windows and replacing or repairing locks.

c. Eligible services are further defined:

- i. ***Crisis Counseling*** is defined as in-person crisis intervention, emotional support, and guidance and counseling on an individual basis provided by advocates, counselors, mental health professionals or peers. Such counseling may occur: a) at the scene of a crime; b) immediately after a crime; c) at the first, in-person contact between a counselor and victim (this would include meeting the victim in an emergency room, at a police station, or at a prosecuting attorney's office, etc.); d) during in-person contact for the duration of the crisis experience; or e) in the case of survivors of homicide victims or DUI/DWI, counseling may occur months after the victimization.
- ii. ***Follow-up Contact*** is defined as in-person contacts, telephone contacts and written communication with the victims to offer individual emotional support, provide empathetic listening, check on victim's progress, and offer guidance for other-than-crisis reactions after the victimization.
- iii. ***Therapy*** is defined as intensive professional psychological and/or psychiatric treatment for individuals, couples, and family members, related to counseling, to provide emotional support in crisis arising from the occurrence of crime. This includes the evaluation of mental health needs, as well as the actual delivery of psychotherapy.
- iv. ***Crisis Counseling via phone/hotline*** is defined as telephone contact to provide crisis counseling after a victimization.

- v. ***Group Treatment/Support*** is defined as the coordination and provision of supportive group activities. This includes self-help, peer, social support, drop-in groups, and community crisis intervention in a group setting.
- vi. ***Shelter/Safe House*** is defined as short-term and long-term housing and related support services provided to victims and non-offending members of their family following a victimization.
- vii. ***Information, Referral, and Connection*** is defined as in-person contacts with the victim, identifying services offered and support available by network and other community agencies, and/or completing linkage (actual personal or telephonic introduction) of a victim to other continuum service providers.
- viii. ***Criminal Justice Support/Advocacy*** is defined as support, assistance and advocacy provided to crime victims at any stage of the criminal justice process. Included in this definition are: court related support, i.e. court orientation, court escort, victim notification, case status and disposition information, victim impact statements, assistance with restitution, transportation for legal proceedings, child care while participating in legal proceedings, property return, and post-sentencing services and support following the disposition of a criminal court proceeding.
- ix. ***Emergency Financial Assistance*** is defined as the utilization of VOCA or matching funds for security measures (replacement of locks, and temporary repair of doors and windows to prevent revictimization), and payment for taxis, buses, food, shelter (hotel nights when appropriate shelter placement is not available) and clothing. The agency must have written policies and maintain detailed records regarding distribution of funds under this provision.
- x. ***Emergency Legal Advocacy*** is defined as assisting victims in filing temporary restraining orders (injunctions and other protective orders), and elder or child abuse petitions. This does not include criminal prosecution or the use of VOCA funds in the employment of private attorneys for non-emergency legal representation purposes such as custody disputes, civil suits, civil restitution recovery efforts, and divorce actions.
- xi. ***Assistance in Filing Compensation Claims*** is defined as making victims aware of the availability of crime victim compensation and/or assisting the victim in completing the required forms and in gathering the needed documentation. (Provision of this service is a grant eligibility requirement.) It may also include follow-up contact with the victim compensation agency on behalf of the victim.

- xii. ***Personal Advocacy*** is defined as assisting victims in securing rights, remedies, and services from other agencies, locating financial support, intervening with employers, creditors and others on behalf of the victim; assistance with filing for losses covered by public and private insurance programs including workman's compensation, unemployment benefits, welfare, Medicare, etc., and accompanying the victim to the hospital. This includes case management services, domestic violence education, assistance with safety planning, life skills, translation, transportation for other than legal proceedings, child care (for reasons other than participation in criminal justice proceedings), job search, education assistance, assistance with immigration issues (if not criminal justice related).
- xiii. ***Telephone Contact (information & referral)*** is defined as contacts with victims during which time services and available support are identified and provided over the telephone. This does not include calls during which counseling is the primary function of the telephone call.
- xiv. ***Other*** is defined as other VOCA allowable services not previously listed.

II. Allocation of VOCA Victim Assistance Funds

VOCA requires that priority shall be given to victims of sexual abuse, domestic abuse, child abuse, and previously underserved populations with a minimum of 10% of each federal fiscal year's grant being allocated to each of these crime victim categories. VOCA funds are intended to enhance and expand services to crime victims in the state of Arizona. Services already provided through state, local and federal sources other than VOCA will not be eligible for funding, for example shelter beds, forensic exams, forensic interviews and other mandated services. The examples identified above are not VOCA eligible; however, enhancements for those services are considered VOCA eligible.

III. VOCA Victim Assistance Application Process

a. Subrecipient Application Process:

DPS-VOCA issues a funding notice outlining the availability of grant program funding. Applicants will verify eligibility and submit applications through the Web-based Automated Grant System via the internet. Applications must be submitted on or before the stated deadline as determined by DPS-VOCA. Applications are reviewed and evaluated based upon:

- i. Compliance with the Victims of Crime Act and state program guidelines;
- ii. Completeness and clarity with which it addresses each section of the application;

- iii. Scope of the proposal in terms of the potential number of victims to be provided with appropriate services;
- iv. The overall concept, feasibility and likelihood of success of the proposal through the applicant's program and fiscal structure;
- v. Accountability within the organization leading to quality service delivery; and
- vi. A budget which represents responsible grant expenditures and a cost-effective proposal.

An applicant's past financial/program reporting history and program compliance may impact the final funding decision.

Applicants will receive notice of award or denial via email.

b. Protest of Funding Decisions:

An appeal shall comply with and be resolved according to A.R.S. 41-2704 and rules adopted there under. Protests shall be made in writing to the DPS Director within ten (10) calendar days from the date of the email notification. The protests shall include:

- 1. The name, address and telephone number of the protester;
- 2. The signature of the protester or its representative;
- 3. A detailed statement of the legal and factual grounds of the protest including copies of relevant documents; and
- 4. the form of relief requested.

The protester cannot provide additional information that was not included in the original application.

c. Applicant Organization Eligibility Requirements:

VOCA establishes eligibility criteria which must be met by all organizations that receive VOCA funds. Funds will only be awarded to applicants to provide services to victims of crime through their staff. To be eligible for funding, each applicant agency shall meet the following requirements:

- i. Public Agency or Nonprofit Organization: Applicant agency must be operated by a public agency or nonprofit organization, or a combination of such agencies or organizations, and provide services to crime victims.

1. Once an agency/organization (both public and nonprofit) is awarded a VOCA grant, it will be required to make its financial statements publicly available online.
 2. Once a nonprofit organization is awarded a VOCA grant, it will be required to demonstrate its nonprofit status by submitting appropriate documentation as part of the VOCA Subgrant Award Agreement packet.
- ii. Record of Effective Services: Demonstrate a record of providing effective services to crime victims for at least one year. This includes having the support and approval of its services by the community, a history of providing direct services in a cost-effective manner, and financial support from other sources.

New Programs: Those agencies which have not yet demonstrated a record of providing victim services and have been operating less than one year from the submission of the grant application may be eligible to receive VOCA funding, if they can demonstrate that 25-50 percent of their financial support comes from non-federal sources, with the exception of funds appropriated by Congress for the activities of any agency of a tribal government as allowed for in the DOJ Grants Financial Guide (effective edition). It is important that agencies have a variety of funding sources besides federal funding in order to ensure their financial stability. DPS-VOCA staff will establish the base level of non-federal financial support required within the 25-50 percent range for each applicant.

- iii. Program Match Requirements: The purpose of matching contributions is to increase the amount of resources available to the projects supported by grant funds. Matching contributions of 20 percent (cash or in-kind) of the total cost of each VOCA project (VOCA grant plus match) are required for each VOCA-funded project and must be derived from non-federal sources. All funds designated as match are restricted to the same uses as the VOCA victim assistance grant funds and must be expended within the grant period. Match must be provided on a project-by-project basis. Funds from other federal programs may not be used as sources of match for VOCA grants such as: Department of Justice, VOCA, Byrne, COPS, STOP (Violence Against Women Act), FEMA, Health and Human Services (Rape Prevention, Family Violence), VOCA Children's Justice Act, Americorps, and Housing and Urban Development grants.

For the purposes of this program, in-kind match may include donations of expendable equipment, office supplies, workshop or classroom materials, work space, or the monetary value of time contributed by professionals and technical personnel and other skilled or unskilled labor, if the services they provide are an integral and necessary part of a funded project. The value placed on donated services must be consistent with the rate of

compensation paid for similar work in the subrecipient's organization. If the required skills are not found in the subrecipient's organization, the rate of compensation must be consistent with the labor market. In either case, FICA may be included in the valuation. The value placed on loaned or donated equipment may not exceed its fair market value. The value of donated space may not exceed the fair rental value of comparable space as established by an independent appraisal of comparable space and facilities in privately-owned buildings in the same locality.

If volunteers are to be used as match, the salary rate should be consistent with those rates paid for similar professional work in the labor market in which the project operates or current minimum wage. The rate for volunteers may not exceed the salary rate of grant paid staff doing the same type of work. On-call time for volunteers may be included as match, at a rate not to exceed \$2.00/hour. Approval of on-call match will be considered by DPS-VOCA on a case-by-case basis based on the agency's plan for tracking and reporting this time. The actual time spent by on-call volunteers providing over-the-phone direct services may be claimed at an hourly rate consistent with those rates paid for similar professional work.

Exceptions to the 20 percent match: VOCA sets a lower match requirement for Native American Tribes/Organizations located on Reservations. The match for new or existing VOCA subrecipients meeting this requirement is 5 percent (cash or in-kind) of the total VOCA project.

Match Waiver: The federal Office for Victims of Crime (OVC) may grant match waivers (in full or in part) if the subrecipient can demonstrate an extraordinary need for the match requirement to be waived. The justification must outline the agency's inability to achieve the 20 percent match requirement (cash or in-kind). Justification for a waiver request should include specific details regarding the impact to victims if VOCA-funded services are not available and issues relevant to the agency's inability to meet the match requirement such as limited non-federal sources of funding, limited ability to obtain eligible in-kind donations, challenges faced when utilizing direct service volunteers, and economic or community factors.

Record Keeping: VOCA subrecipients must maintain records that clearly show the source, the amount, and the period during which the match was expended and reported to DPS-VOCA. The basis for determining the value of personal services, materials, equipment, and space must be documented. Volunteer services must be documented, and to the extent feasible, supported by the same methods used by the subrecipient for its own paid employees.

- iv. **Volunteers:** Subrecipient organizations must use volunteers unless the state grantee determines there is a compelling reason to waive this requirement. A “compelling reason” may be a statutory or contractual provision concerning liability or confidentiality of counselor/victim information, which bars using volunteers for certain positions, or the inability to recruit and maintain volunteers after a sustained and aggressive effort.
- v. **Promote Community Efforts to Aid Crime Victims:** Promote, within the community, coordinated public and private efforts to aid crime victims. Coordination may include, but is not limited to, serving on state, federal, local, or Native American task forces, commissions, working groups, coalitions, and/or multi-disciplinary teams. Coordination efforts also include developing written interagency agreements that contribute to better and more comprehensive services to crime victims. Coordination efforts qualify an organization to receive VOCA victim assistance funds, but are not activities that can be supported with VOCA funds.
- vi. **Help Victims Apply for Compensation Benefits:** Such assistance must include notifying crime victims of the availability of crime victim compensation, and/or assisting victims with application forms and procedures, obtaining necessary documentation, and/or checking on claim status.

Victim Compensation Training: Subrecipients will designate a victim compensation coordinator within their agency. This coordinator must have received victim compensation training from their county attorney’s office or completed the Arizona Criminal Justice Commission’s (ACJC) online Introduction to Crime Victim Compensation training module (<http://www.azcjc.gov/ACJC.Web/victim/cbttraining.aspx>). If this training has not been received, subrecipients will ensure training has been received within 90 days from the start of the subgrant award agreement or 90 days after re-assignment of new staff in this role. DPS recommends that all direct service staff complete the ACJC online training, thereby enhancing each staff member’s ability to assist victims with the Crime Victim Compensation application process.

- vii. **Inform Victims of their Legal Rights:** To notify victims of their legal rights (A.R.S. Title 13, Chapter 40 Crime Victims’ Rights and A.R.S. Title 8, Chapter 3, Article 7 Victims’ Rights for Juvenile Offenses) and offer to connect the victim with a representative from the prosecutor’s or county attorney’s office if the victim so chooses.

Victims’ Rights Training: All DPS VOCA-funded and match staff and their first line supervisor must receive victims’ rights training from the Arizona Attorney General’s Office.

- viii. Comply with Federal Rules Regulating Grants: Subrecipients must comply with the applicable provisions of the VOCA Guidelines, DOJ Grants Financial Guide (effective edition) and Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards which include maintaining appropriate programmatic and financial records that fully disclose the amount and disposition of VOCA funds received. This includes: financial documentation for disbursements; daily time and attendance records specifying time devoted to allowable VOCA victim services; client files; the portion of the project supplied by other sources of revenue; job descriptions; contracts for consultant services; and other records which facilitate an effective audit.
- ix. Ensure Access to Federally Assisted Programs: Federal laws prohibit recipients (and subrecipients) of federal financial assistance from discriminating on the basis of race, color, national origin, religion, disability or sex in funded programs or activities, not only in respect to employment practices but also in the delivery of services or benefits. Federal law also prohibits federally-funded programs or activities from discriminating on the basis of age in the delivery of services or benefits. Recipients (and subrecipients) must also take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency (LEP). (For information on the civil rights responsibilities related to providing language services to LEP individuals, refer to <http://www.lep.gov>.)

Certain VOCA subrecipients are required to provide civil rights certification to the US Department of Justice with a copy to DPS-VOCA. (Refer to <http://www.ojp.usdoj.gov/about/ocr/eeop.htm> to determine your agency's EEO requirement.)

Civil Rights and Non-discrimination Training: Subrecipients will designate a Civil Rights Contact Person within their agency. This person must complete the on-line civil rights training program developed by the Office for Civil Rights (OCR), Office of Justice Programs (OJP), Department of Justice (DOJ). The training must be completed within 90 days from the start of the subgrant award agreement. If the Civil Rights Contact Person changes during the grant period, the new Civil Rights Contact Person has 90 days to complete this training requirement. This training is required once per grant cycle and can be accessed at www.azcjc.gov/Knowledge%20Presenter/OCR/Courses/index.html . DPS recommends that all employees complete the on-line civil rights training module, thereby enhancing each staff member's understanding of civil rights and non-discrimination regulations.

- x. **Maintain Civil Rights Information:** Subrecipient agencies must maintain statutorily required civil rights statistics on victims served by race, national origin, sex, age, and disability; and permit reasonable access to its books, documents, papers, and records to determine whether the subrecipient is complying with applicable civil rights laws. This requirement is waived when providing a service, such as telephone counseling, where soliciting the information may be inappropriate or offensive to the crime victim.
- xi. **Comply with State Criteria:** Subrecipients must abide by state eligibility or service criteria as established by DPS-VOCA including submission of monthly financial reports, quarterly statistical and programmatic reports, client feedback surveys utilized, annual narrative report, annual DPS-VOCA survey, and other programmatic or service information requested by DPS on the use and impact of VOCA funds.

OVC Performance Measures: DOJ has drafted performance measures that will be used to improve the operation of the VOCA Victim Assistance Program. Once finalized, subrecipients will be required to implement the performance measures as part of their FY 15/16 project. The draft version of the performance measures can be found in the Public Forms and Information section of the Web-Based Automated Grants System (titled Victim Assistance Subgrantee Report – OVC.)

- xii. **Services to Victims of Federal Crimes:** Subrecipients must provide services to victims of federal crimes on the same basis as victims of state/local crimes.
- xiii. **No Charge to Victims for VOCA-funded Services:** Subrecipients must provide services to crime victims, at no charge, through the VOCA-funded project. The purpose of the VOCA victim assistance grant program is to provide services to all crime victims regardless of their ability to pay for services rendered or availability of insurance or other third-party payment resources. Crime victims suffer tremendous emotional, physical, and financial losses. It was never the intent of VOCA to exacerbate the impact of the crime by asking the victim to pay for services.
- xiv. **Client-Counselor and Research Information Confidentiality:** Subrecipients are required to maintain confidentiality of client-counselor information, as required by state and federal law.
- xv. **Confidentiality of Research Information:** Except as otherwise provided by federal law, no recipient of monies under VOCA shall use or reveal any research or statistical information furnished under this program by any person and identifiable to any specific private person for any purpose other than the purpose for which such information was obtained in

accordance with VOCA. Such information, and any copy of such information, shall be immune from legal process and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceeding. See Section 1407(d) of VOCA codified at 42 USC 10604.

These provisions are intended, among other things, to ensure the confidentiality of information provided by crime victims to counselors working for victim service programs receiving VOCA funds. Whatever the scope of application given this provision, it is clear that there is nothing in VOCA or its legislative history to indicate that Congress intended to override or repeal, in effect, a state's existing law governing the disclosure of information which is supportive of VOCA's fundamental goal of helping crime victims. For example, this provision would not act to override or repeal, in effect, a state's existing law pertaining to the mandatory reporting of suspected child abuse. See *Pennhurst School and Hospital v. Halderman, et al.*, 451 US 1 (1981). Furthermore, this confidentiality provision should not be interpreted to thwart the legitimate informational needs of public agencies. For example, this provision does not prohibit a domestic violence shelter from acknowledging, in response to an inquiry by a law enforcement agency conducting a missing person investigation, that the person is safe in the shelter. Similarly, this provision does not prohibit access to a victim service project by a federal or state agency seeking to determine whether federal and state funds are being utilized in accordance with funding agreements.

d. Eligible Subrecipient Organizations:

VOCA specifies that an organization must provide direct services to crime victims and be operated by a public agency or non-profit organization, or a combination of such agencies or organizations in order to be eligible to receive VOCA funding. Eligible organizations include victim services organizations whose sole mission is to provide direct services to crime victims. These organizations include, but are not limited to, sexual assault and rape treatment centers, domestic violence programs and shelters, child abuse programs and children's advocacy centers, mental health services, and other community-based victim organizations including those who serve survivors of homicide victims. Organizations whose sole purpose is to serve victims of crime will be given funding preference. A public agency whose sole or principal purpose is the investigation, prosecution or adjudication of cases, or general criminal justice services, or which provides health and other services to the public at large, must demonstrate that the proposed project will provide a substantial increase in cost-effective services to crime victims in its community. A private non-profit organization whose sole purpose is to provide advocacy to the legislature for victims of crime or general community awareness of victims issues, will not be

eligible for a VOCA victim assistance grant. Occasional counseling or occasional victim assistance would not qualify for eligibility.

In addition to victim services organizations, whose sole purpose is to serve crime victims, there are many other public and non-profit organizations that have components which offer services to crime victims. These organizations are eligible to receive VOCA funds, if the funds are used to expand or enhance the delivery of crime victim services. These organizations include, but are not limited to, the following:

- i. **Criminal Justice Agencies:** Law enforcement agencies, prosecutors' offices, courts, corrections departments, and probation and paroling authorities are eligible to receive VOCA funds to help pay for victim services. For example, prosecutor-based victim services may include enhancements to victim-witness programs and assistance with victim impact statements, including statements of pecuniary damages for restitution. Corrections-based victim services may include restitution advocacy, restorative justice programs such as victim-offender mediation and victim impact panels whose primary purpose is to benefit the victim. Police-based victim services may include victim crisis units or victim advocates, and cellular phone and alarm services for domestic abuse victims. In general, VOCA funds may be used to provide crime victim services that exceed a law enforcement official's normal duties. Regular law enforcement duties such as crime scene intervention, questioning of victims and witnesses, investigation of the crime, and follow-up activities may not be paid for with VOCA funds. Agencies must be cognizant of the prohibition regarding supplanting of local and state funds in reference to their victim services program.
- ii. **Faith-Based Organizations:** Such organizations may receive VOCA funds but must ensure that services are offered to all crime victims without regard to religious affiliation and that the receipt of services is not contingent upon participation in a religious activity or event.
- iii. **State Crime Victim Compensation Agencies:** Compensation programs, including both centralized and decentralized programs, may receive VOCA assistance funds if they offer direct services to crime victims that extend beyond the essential duties of compensation staff such as claims investigations, distribution of information about compensation and referral to other sources of public and private assistance. Such services would include assisting victims in identifying and accessing needed services and resources.
- iv. **Hospitals and Emergency Medical Facilities:** Such organizations must offer crisis counseling, support groups, and/or other types of victim services.

- v. Others: State and local public agencies such as mental health service organizations, state/local public child and adult protective services, state grantees, legal services agencies and programs with a demonstrated history of advocacy on behalf of domestic violence victims, and public housing authorities that have components specifically trained to serve crime victims.

e. Ineligible Recipients of VOCA Funds:

Some public and non-profit organizations that offer services to crime victims are not eligible to receive VOCA victim assistance funding. These organizations include, but are not limited to, the following:

- i. Federal agencies: This includes US Attorneys Offices and FBI Field Offices. Receipt of VOCA funds would constitute an augmentation of the federal budget with money intended for state agencies. However, private non-profit organizations that operate on federal land may be eligible subrecipients of VOCA victim assistance grant funds.
- ii. In-Patient Treatment Facilities: For example, those designed to provide treatment to individuals with drug, alcohol, and/or mental health-related conditions.

f. Services, Activities, and Costs at the Subrecipient Level

- i. Allowable Costs for Direct Services: The following is a listing of services, activities, and costs that are eligible for support with VOCA victim assistance grant funds within a subrecipient's organization:
 - 1. Immediate Health and Safety: Those services which respond to the immediate emotional and physical needs (excluding medical care) of crime victims such as crisis intervention; accompaniment to hospitals for medical examinations; hotline counseling; emergency food; clothing for sexual assault victims after forensic medical examination; transportation; and shelter (including emergency, short-term nursing home shelter for elder abuse victims for whom no other safe, short-term residence is available and hotel costs when appropriate shelter placement is not available); and other emergency services that are intended to restore the victim's sense of security. This includes services that offer an immediate measure of safety to crime victims such as boarding up broken windows and replacing or repairing locks. The agency must have written policies and maintain detailed records regarding distribution of funds under this provision. Also allowable is emergency legal assistance such as filing personal protection

orders and obtaining emergency custody/visitation rights when such actions are directly connected to family violence cases and are taken to ensure the health and safety of the victim.

2. **Mental Health Assistance:** Those services and activities that assist the primary and secondary victims of crime in understanding the dynamics of victimization and in stabilizing their lives after a victimization such as counseling, group treatment, and therapy. Therapy is defined as intensive professional psychological and/or psychiatric treatment for individuals, couples, and family members related to counseling to provide emotional support in crisis arising from the occurrence of crime. This includes the evaluation of mental health needs, as well as the actual delivery of psychotherapy.
3. **Assistance with Participation in Criminal Justice Proceedings:** In addition to the cost of emergency legal services noted above in section 1. “Immediate Health and Safety”, there are other costs associated with helping victims participate in the criminal justice system that also are allowable. These services may include advocacy on behalf of crime victims; accompaniment to criminal justice offices and court; transportation to court; child care or respite care for a dependent adult to enable a victim to attend court; assistance with post sentencing parole consideration procedures; assistance with victim impact statements, restitution advocacy on behalf of specific crime victims, and victim notification. Agencies must be cognizant of the prohibition regarding supplanting of local and state funds in reference to their victim services program. VOCA funds cannot be used to pay for non-emergency legal representation such as divorces, child custody disputes, or civil restitution recovery efforts.
4. **Forensic Examinations:** For sexual assault victims, forensic exams are allowable costs only to the extent that other funding sources (such as state compensation or private insurance or public benefits) are unavailable or insufficient and, such exams conform with state evidentiary collection requirements. ARS 13-1414 states “Any medical or forensic interview expenses arising out of the need to secure evidence that a person has been the victim of a dangerous crime against children as defined in section 13-705 or a sexual assault shall be paid by the county in which the offense occurred.” Based on this mandate, DPS may permit the use of VOCA funds to support enhancements that are associated with the exam when it can be demonstrated that these costs are essential to conducting these activities and why these costs are not paid by the county. Agencies must be cognizant of the prohibition regarding

supplanting of local and state funds in reference to their victim services program.

5. **Costs Necessary and Essential to Providing Direct Services:** This includes pro-rated costs of rent (mortgage costs are not allowed), telephone service, transportation costs for victims to receive services, emergency transportation costs that enable a victim to participate in the criminal justice system, and local travel expenses for service providers. (Travel costs included in VOCA agreements may not exceed current federal rates or board-approved agency travel rates. (Section III, Part g., Item iii.)

Cell phones that are necessary for the provision of services to crime victims are an allowable expense. The purchase of a company issued cell phone and the costs associated with a monthly wireless plan are VOCA eligible. In the event that an employee is required to use a personal cell phone for business purposes, a stipend is allowable. Prior to approving a cell phone stipend, the cost of an employee's wireless plan must be verified by reviewing the employee's invoice for wireless services. The amount of the stipend cannot exceed the cost of the employee's wireless plan. Documentation of the verification must be maintained and available for review during a site visit. The subrecipient is expected to have policies and procedures in place regarding the use of cell phones.

When determining rent eligibility, agencies can include the space utilized to provide direct services to victims, i.e. advocate offices, playroom, rooms utilized for meeting with crime victims, etc.

The VOCA grant application instructions may outline dollar limitations for these costs.

6. **Special Services:** Services to assist crime victims with managing practical problems created by the victimization such as acting on behalf of the victim with other service providers, creditors, or employers; assisting the victim to recover property that is retained as evidence; assisting victims in filing for crime victims compensation; and helping victims to apply for public assistance.
7. **Personnel Costs:** Costs that are directly related to providing direct services, such as staff salaries and fringe benefits, including professional malpractice insurance; the cost of advertising to recruit VOCA-funded personnel; and the cost of training for paid and volunteer direct service staff. VOCA funds may support administrative time of the funded staff to complete VOCA-

required time and attendance sheets and programmatic documentation, reports, statistics, and time to maintain crime victims' records.

The following costs associated with compensation are VOCA eligible: bi-lingual pay, longevity pay, shift differential, and overtime. Paid on-call time is **not** VOCA eligible.

Overtime: VOCA-funded employees (non-exempt) should be compensated with overtime payments for work performed in excess of the established work week (usually 40 hours). Payment of more than occasional overtime is subject to periodic review by DPS. Overtime compensation and relevant policies will be reviewed during site visits. If the VOCA-funded employee is not 100% funded by the grant, overtime payments should be prorated among all funding sources and not charged exclusively to the VOCA grant.

Exempt employees: Subrecipient organizations may choose to classify certain positions as exempt; however, for the purposes of the VOCA grant, a grant timesheet must be completed to document VOCA eligible time worked regardless of an employee's exempt status.

Prorating Fringe Benefits: If a position is not 100% VOCA or match funded, then the associated fringe benefits must be prorated at the same percentage as the salary supported through the VOCA project. For example, if a position is funded or used as match at 40%, then only 40% of the associated fringe benefits are VOCA allowable.

For comprehensive guidance regarding personnel costs, including salary, fringe benefits, leave time, etc. and the required supporting documentation, subrecipients should thoroughly review the following sections of the Uniform Guidance:

- Section 200.430: Compensation – personal services and
- Section 200.431: Compensation – fringe benefits.

8. Restorative Justice: Opportunities for crime victims to meet with perpetrators, if such meetings are requested or voluntarily agreed to by the victim and have possible beneficial or therapeutic value to crime victims.

Review of the criteria for conducting these meetings and discussion of the proposed application with federal officials will be undertaken prior to awarding VOCA funds for this type of activity.

At a minimum, the following will be considered: (1) the safety and security of the victim; (2) the benefit or therapeutic value to the victim; (3) the procedures for ensuring that participation of the victim and offender are voluntary and that everyone understands the nature of the meeting; (4) the provision of appropriate support and accompaniment for the victim; (5) appropriate “debriefing” opportunities for the victim after the meeting or panel; (6) the credentials of the facilitators; and (7) the opportunity for a crime victim to withdraw from the process at any time. VOCA assistance funds cannot be used for victim-offender meetings which serve to replace criminal justice proceedings.

g. Other Allowable Costs and Services:

The services, activities, and costs listed below are not generally considered direct crime victim services but are often a necessary and essential activity to ensure that quality direct services are provided. Before these costs can be supported with VOCA funds, DPS-VOCA staff will determine that direct services to crime victims cannot be offered without support for these expenses; that the subrecipient has no other source of support for them; and that only limited amounts of VOCA funds will be used for these purposes. The following list provides examples of such items:

- i. **Skills Training for Staff:** VOCA funds designated for training are to be used exclusively for developing the skills of direct service providers including paid staff and volunteers, so that they are better able to offer quality services to crime victims. An example of skills development is training focused on how to respond to a victim in crisis and may also include CPR and first aid training.

VOCA funds can be used for registration fees for training both VOCA-funded and non VOCA-funded service providers who work within a VOCA subrecipient organization, but VOCA funds cannot be used for management and administrative training for executive directors, board members, and other individuals that do not provide direct services.

- ii. **Training Materials:** VOCA funds can be used to purchase materials such as books, training manuals, and DVDs for direct service providers, within the VOCA-funded organization, and can support the costs of a trainer for in-service staff development. Staff from other organizations may attend in-service training activities that are held for the subrecipient staff.
- iii. **Training Related Travel:** VOCA funds can support costs such as travel, meals, and lodging to attend skills building conference training within Arizona or a similar geographic area so that travel costs will be minimal. Rental car costs may be allowable with prior approval from DPS-VOCA.

Travel costs included in VOCA agreements may not exceed current federal rates or board-approved agency travel rates. Current federal travel rates can be found in the Public Forms and Information Section of the Web-based Automated Grants System. Travel costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances and in accordance with the subrecipient's written travel reimbursement policies. If a subrecipient does not have written travel reimbursement policies, then travel costs cannot exceed the federal travel rates. Supporting documentation of travel expenses charged to this agreement must be maintained.

For comprehensive guidance regarding travel costs, subrecipients should thoroughly review the following section of the Uniform Guidance:

- Section 200.474: Travel Costs

Travel costs associated with attendance at in-state skills building conferences offered by various Arizona coalitions, the Attorney General's Office, and other established organizations are allowable for direct service staff. When needed training is unavailable within the immediate geographical area, DPS-VOCA may authorize, on an individual basis, the use of VOCA funds to support training outside of Arizona. For example, VOCA subrecipients may benefit from attending national conferences that offer skills building training workshops for victim assistance providers. Although training may be a VOCA allowable cost, the specific training/conference agenda must be submitted to DPS for review and approval. Agencies should not incur expenses until the training is approved by DPS.

- iv. Equipment and Furniture: VOCA funds may be utilized to purchase equipment and furniture that support or enhance direct services to crime victims, as demonstrated by the VOCA subrecipient. VOCA funds cannot support the entire cost of an item that is not used exclusively for victim-related activities. However, VOCA funds can support a prorated share of such an item. In addition, VOCA funds may not be used to purchase equipment for another organization or individual to perform a victim-related service.

Examples of allowable costs may include cell phones; equipment for forensic interviews and forensic medical exams; photo and video recording devices for interviewing children; two way mirrors; TV's and DVD players; desks and chairs; equipment and locking file cabinets for staff work spaces; personal computers and printers; and furniture for victim waiting rooms and children's play areas. The costs of furniture,

equipment such as Braille equipment or TTY/TTD machines for the deaf, minor building alterations/improvements that make victim services more accessible to persons with disabilities are allowable. Prior to the purchase of equipment and furniture, DPS authorization is required to ensure that purchases conform to federal guidelines.

Capital Equipment is any item in excess of \$5,000. Subrecipients are required to maintain capital equipment records and report periodically with the following: (1) a description of the property and a serial or other identifying number; (2) identification of title holder; (3) the acquisition date; (4) the cost and the percentage of VOCA funds supporting the purchase; (5) the location, use, and condition of the property; and (6) any disposition data, including the date of disposal and sale price.

- v. Purchasing or Leasing Vehicles: VOCA funds may be used to purchase or lease vehicles if it can be demonstrated to DPS-VOCA that such an expenditure is essential to delivering services to crime victims. VOCA funds may also be used to support related items, such as routine maintenance, repair costs, and automobile insurance.
- vi. Advanced Technologies: At times, technology may increase a subrecipient's ability to reach and serve crime victims. For example, satellite Orders of Protection locations have dramatically improved the efficiency of criminal justice participation and enhanced victim safety and security. VOCA funds may not be able to support the entire cost of such technology. In making such expenditures, VOCA subrecipients must describe the following to DPS: (1) how the computer equipment will enhance services to crime victims; (2) how it will be integrated into and/or enhance the subrecipient's current system; (3) the cost of installation; (4) the cost of training staff to use the computer equipment; (5) the ongoing operational costs, such as maintenance agreements and supplies; and (6) how these additional costs will be supported.

Following the purchase of advanced technologies with VOCA funds, subrecipients must provide the following information to DPS: (1) a description of the property and a serial number or other identifying number; (2) the acquisition date; (3) the cost and the percentage of VOCA funds supporting the purchase; and (4) the location, use, and condition of the property. If in the future, the purchasing agency is no longer a recipient of VOCA funds, any disposition of the equipment must be in accordance with the DOJ Grants Financial Guide (effective edition) and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

- vii. **Contracts for Professional Services:** VOCA funds generally should not be used to support contracted services, and subrecipients are prohibited from using a majority of VOCA funds for contracted services. Principal activities of the project may not be subgranted or contracted out to another organization without the approval of DPS-VOCA staff. At times, however, it may be necessary for VOCA subrecipients to use a portion of the VOCA grant to contract for specialized services. Examples of these services include emergency legal assistance in filing personal protection orders or establishing emergency custody/visitation rights in family violence cases (the provider must have a demonstrated history of advocacy on behalf of domestic violence victims); forensic examinations on a sexual assault victim to the extent that other funding sources are unavailable or insufficient; emergency psychological or psychiatric services; or sign and/or interpretation for the deaf or for crime victims whose primary language is not English.

Subrecipients are prohibited from using a majority of VOCA funds for contracted services, which contain administrative, overhead, and other indirect costs in the hourly or daily rate.

Contractual fees may not exceed rates set by DPS-VOCA and agencies must maintain signed agreements for consultant/contractual services.

- viii. **Operating Costs:** Examples of allowable operating costs include supplies; equipment use fees (when supported by usage logs); printing, photocopying, and postage; brochures which describe available services; books and other victim related materials; and membership costs for state and/or national professional organizations (subrecipients should identify organizations which offer member benefits such as substantial discounts for training registrations and increased access to resources, books and victim-related materials.) VOCA funds may support a prorated share of a **required** single or program-specific audit in accordance with the Single Audit Act Amendments of 1996. VOCA funds cannot be used to support the audit of financial statements, nor can VOCA funds support accounting or payroll processing service costs.

Indirect Costs: The VOCA grant may be charged indirect costs based either on a federally approved negotiated rate or a de minimis rate of 10% of modified total direct costs (MTDC). If a VOCA subrecipient has **never** had a federally approved negotiated rate, that agency may elect to use the 10% de minimis rate. Agencies that currently have or have had in the past a federally approved negotiated rate **cannot** use the 10% de minimis rate and must use the current negotiated rate or contact the cognizant federal agency to request an extension of the expired negotiated rate.

Subrecipients charging indirect costs to the VOCA grant must ensure compliance with the following sections of the Uniform Guidance:

- 200.412: Classification of costs
 - 200.413: Direct costs
 - 200.414: Indirect (F & A) costs
 - 200.415: Required Certifications
 - 200.416: Cost allocation plans and indirect cost proposals
 - 200.417: Interagency service
- ix. Supervision of Direct Service Providers: VOCA funds may be used for supervision of direct service providers when it is determined by DPS-VOCA personnel that such supervision is necessary and essential to providing direct services to crime victims. For example, using VOCA funds to support a coordinator of volunteers or interns is a cost-effective way of serving more crime victims.
- x. Repair and/or Replacement of Essential Items: VOCA funds may be used for repair and replacement of items that contribute to maintaining a healthy and/or safe environment for crime victims, such as a furnace in a shelter. In the event that a vehicle is purchased with VOCA funds, related items, such as routine maintenance, repair costs, and automobile insurance are allowable. Each request for VOCA funds for such purposes will be scrutinized to ensure the following: (1) that the building is owned by the subrecipient organization and not rented or leased, (2) all other sources of funding have been exhausted, (3) there is no available option for providing the service in another location, (4) the cost of the repair or replacement is reasonable considering the value of the building, and (5) the cost of the repair or replacement is pro-rated among all sources of income. Additionally, unused VOCA funds allocated for “repair and/or replacement” purposes cannot be reprogrammed to other line items.
- xi. Public Presentations: VOCA funds may be used to support presentations that are made in schools, community centers, or other public forums, and that are designed to identify crime victims and provide or refer them to needed services. Specifically, activities and costs related to such programs including presentation materials, brochures, and newspaper notices can be supported by VOCA funds.

h. Non-Allowable Costs and Activities:

The following services, activities, and costs, although not exhaustive, cannot be supported with VOCA victim assistance funds at the subrecipient level:

- i. Lobbying and Administrative Advocacy: VOCA funds cannot support victim legislation or administrative reform, whether conducted directly or indirectly.

- ii. Perpetrator Rehabilitation and Counseling: Subrecipients cannot use VOCA funds to offer rehabilitative services to offenders. Likewise, VOCA funds cannot support services to incarcerated individuals, even when the service pertains to the victimization of that individual.
- iii. Needs Assessments, Surveys, Evaluations, and Studies: VOCA program funds may not be used to pay for efforts conducted by individuals, organizations, task forces, or special commissions to study and/or research particular crime victim issues.
- iv. Prosecution Activities: VOCA funds cannot be used to pay for activities that are directed at prosecuting an offender and/or improving the criminal justice system's effectiveness and efficiency, such as witness notification and management activities and expert testimony at a trial. Victim witness protection costs and subsequent lodging and meal expenses are considered part of the criminal justice agency's responsibility and cannot be supported with VOCA funds. VOCA funds cannot support the service of Orders of Protection.
- v. Fundraising Activities.
- vi. Property Loss: Reimbursing crime victims for expenses incurred as a result of a crime such as insurance deductibles, replacement of stolen property, funeral expenses, lost wages, and medical bills is not allowed.
- vii. Most Medical Costs: VOCA victim assistance funds cannot support medical costs resulting from a victimization, except for forensic medical examinations for sexual assault victims only to the extent that other funding sources (such as state compensation or private insurance, or public benefits) are unavailable or insufficient.

VOCA funds cannot pay for nursing home care, home healthcare costs, in-patient treatment costs, hospital care, and other types of emergency and non-emergency medical and/or dental treatment.
- viii. Relocation Expenses: VOCA funds cannot support relocation expenses for crime victims such as moving expenses, security deposits on housing, ongoing rent, and mortgage payments. However, VOCA funds may be used to support staff time in locating resources to assist victims with these expenses.
- ix. Administrative Staff Expenses: VOCA funds may not support salaries, fees, and reimbursable expenses associated with administrators, board members, executive directors, consultants, coordinators, and other

individuals, unless these expenses are incurred while providing direct services to crime victims.

- x. Development of Protocols, Interagency Agreements, and Other Working Agreements: These activities benefit crime victims, but are considered examples of the types of activities that subrecipients undertake as part of their role as a victim services organization, which in turn qualifies the agency as an eligible VOCA subrecipient.
- xi. Costs of Sending Individual Crime Victims to Conferences.
- xii. Activities Exclusively Related to Crime Prevention.

IV. Subrecipient Responsibilities

a. Financial and Program Reporting:

Subrecipients must adhere to all reporting requirements and timelines for submitting the required reports, as indicated below. Failure to do so may result in a hold being placed on the reimbursement of all current year funds, a hold being placed on processing the next year's grant award, or can result in the suspension or termination of a grant or denial of a grant application.

All required reports as outlined below are to be completed through the Web-based Automated Grant System at <http://crime.azvictims.org/AZVOCA>. Mailed and facsimile copies of reports will not be accepted for processing.

Subrecipients are required to submit the following reports by the dates noted below. Failure to submit required reports by the deadline will result in the withholding of funds until the delinquency is cleared. If an agency has more than one project funded by DPS-VOCA, a reporting or performance delinquency from one project will result in the withholding of payment for all current projects.

- i. Monthly Financial Reports are due the 15th of each month following the end of the monthly report period. This report must reflect actual federal and match expenditures.
- ii. Quarterly Statistical and Programmatic Reports are due no later than 30 days following the end of the quarter. This report includes quarterly victim service and performance measure activities. Additionally, subrecipients will be required to complete the Victim Assistance Subgrantee Report (see Section III., Part c., Item xi: OVC Performance Measures.)
- iii. Annual Narrative Report is due no later than 30 days following the end of the project period.

- iv. Year-end Agreement Amendment Request must be submitted on line when a subrecipient has remaining funds in their budgets in order to reflect actual expenditures. This process will automatically revert unexpended funds to DPS. Year-end amendments are due no later than 30 days following the end of the project period.
- v. DPS Annual Crime Victim Assistance survey is due annually upon request.

Failure to submit complete, accurate and timely required reports may result in a reduction of the current award. Any three combined occurrences of monthly or quarterly reports submitted over 15 days late and/or three combined occurrences relating to the submission of incomplete or inaccurate monthly or quarterly reports may result in up to a 10% award reduction as determined by DPS.

b. Amendments:

To modify a current agreement, the subrecipient is required to use an Agreement Amendment Request form to notify and request changes. This request must be completed on line and is required for all modifications to include: (1) budget changes; (2) changes in funded and/or match staff; or (3) changes in scope of the programmatic activities or purpose of the project. All changes must be justified with a detailed explanation.

The following changes should be requested via email through the subrecipient's grant coordinator: (1) Project Contact; (2) Civil Rights Contact; (3) Crime Victim Compensation Coordinator; (4) Project Director; (5) Financial Contact; (6) Authorized Official; (7) telephone numbers; (8) email addresses; or (9) project address changes.

c. Beginning the Project:

If a project is not operational within 60 days of the original start date of the project period, the subrecipient must submit written documentation to DPS-VOCA explaining steps taken to initiate the project, the reasons for the delay, and the expected start date. If a project is not operational within 90 days of the original start date of the project period, the subrecipient must submit a second written statement explaining the implementation delay. DPS reserves the right to cancel the agreement if the proposed project is not operational within 90 days of the original start date.

d. Funding Acknowledgement:

If a subrecipient receives VOCA funding for printing costs, to include materials publicizing award activities, press releases, program brochures and other information about the project, acknowledgement of VOCA support must be included on all publications in the following format:

This project is supported by Grant No. 20__-VA-GX-00__ from the US Department of Justice - Office for Victims of Crime. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the US DOJ or the Arizona Department of Public Safety.

e. Notice of Crime Victim Service Availability:

All non-profit subrecipients will provide formal notice of available project services to all law enforcement agencies and prosecuting attorneys within the service area of the funded project within 60 days of the project start date. A copy of this notice and distribution list must be maintained and available upon request by DPS. The notice will include:

- i. A brief project description containing the target clientele (victim groups), available services, hours of service, and area of services.
- ii. A telephone number to access services.
- iii. The name of the project director.
- iv. Acknowledgement that the project is funded through the DPS-VOCA program.

f. Civil Rights Policy and Disclosure of Findings of Discrimination:

As a recipient of VOCA funds, subrecipients must comply with federal and state statutes and regulations that prohibit discrimination in federally assisted programs or activities. This includes hiring on the basis of race, color, religion, national origin, sex, age and disability, and the delivery of services or benefits. (For a complete list of statutes and regulations, refer to the Federal and State Statutes and Regulations Governing the DPS VOCA Grant Program available on the Public Forms and Information page of the [DPS Web-based Automated Grants System](http://crime.azvictims.org/azvoca/pdf/) (<http://crime.azvictims.org/azvoca/pdf/>)).

The DPS [Civil Rights Webpage](http://www.azdps.gov/Services/Crime_Victims/CivilRight/) (http://www.azdps.gov/Services/Crime_Victims/CivilRight/) includes a link to the

DPS policy which lays out the procedures U.S. Department of Justice grant program subrecipients must use to respond to discrimination complaints from their employees, clients, customers, program participants or consumers. For questions or help, please contact the DPS Civil Rights Complaint Coordinator at: azvictims@azdps.gov.

A subrecipient must inform DPS-VOCA in writing if any federal or state court or administrative agency makes a finding of discrimination taken against the subrecipient on the grounds of race, color, religion, national origin, sex, disability or age. A copy of the findings must be forwarded to DPS-VOCA for the state of Arizona and the Office for Civil Rights Compliance at Office of Justice Programs at the Department of Justice.

g. Reporting Suspected Fraud, Waste and Abuse:

In the event of a formal allegation or a finding of fraud, waste, and/or abuse of VOCA funds, subrecipients are required to immediately notify DPS-VOCA of said finding. Subrecipients are also obligated to apprise DPS-VOCA of the status of any on-going investigations.

h. Audit Responsibilities for Subrecipients:

As a condition of receiving an agreement, subrecipients shall adhere to the financial and administrative provisions set forth in the VOCA Guidelines, DOJ Grants Financial Guide, and Uniform Guidance regarding audit requirements.

Audit Threshold

For fiscal years beginning on or after December 26, 2014. If you are a non-Federal entity that expended \$750,000 or more in Federal funds (from all sources including pass-through subawards) in your organization's fiscal year (12-month turnaround reporting period), then you are required to arrange for a single organization-wide audit conducted in accordance with the provisions of [Title 2 C.F.R. Subpart F \(§ 200.500 et seq.\)](#).

For fiscal years beginning before December 26, 2014. If you are a non-Federal entity (other than a for-profit/commercial entity) that expended \$500,000 or more in Federal funds (from all sources including pass-through subawards) in your organization's fiscal year (12-month turnaround reporting period), then you are required to arrange for a single organization-wide audit conducted in accordance with the provisions of Office of Management and Budget (OMB) [Circular A-133 Compliance Supplement 2014](#).

If you are a non-Federal entity that expended less than the applicable audit threshold a year in Federal awards, you are exempt from Federal audit requirements for that year. However, you must keep records that are available for

review or audit by appropriate officials including the Federal agency, pass-through entity, and U.S. Government Accountability Office (GAO).

All auditees shall submit a Reporting Package and Data Collection Form for Reporting on Audits of States, Local Governments, and Non-Profit Organizations electronically to the Federal Audit Clearinghouse
(<http://harvester.census.gov/sac/>).

V. State and Federal Financial and Programmatic Monitoring

The state and federal financial and programmatic officials conduct periodic reviews of the financial policies, procedures, and records of VOCA subrecipients. While on site, personnel will review various agreement documents and files such as: (1) reports; (2) policies and procedures governing the organization and the VOCA funds; (3) programmatic records of victims' services; and (4) volunteer logs and time and attendance records; and (5) supporting documentation for costs supported by VOCA funds. Subrecipients will be subject to site inspections by state officials.

The subrecipient shall retain all financial records, supporting documentation, statistical records and all other records pertinent to this award until March 31 of the seventh year following the year indicated in the Federal Grant Number of the Subgrant Award Agreement.

With a 24-hour notice, the subrecipient will allow DPS and the Department of Justice's Office for Victims of Crime and/or the Office of the Chief Financial Officer (or their representatives) to review all of the subrecipient's records concerning this grant project.

VI. Suspension and Termination of Funding

An agreement is in full force and effect for the period specified in the subgrant award agreement, but is subject to cancellation/termination as identified in General Conditions, 8.1 – 8.7.

Failure of the subrecipient to utilize DPS VOCA funds for direct services to crime victims or for training purposes as stated in the approved budget will be subject to immediate cancellation. The subrecipient will not utilize VOCA funds for projects which serve perpetrators of crime or crime prevention, and/or for any other non-allowable cost or activity in accordance with DPS VOCA guidelines. The subrecipient agrees to reimburse DPS for any VOCA funds the subrecipient expends that are not in full compliance with this subgrant award agreement.

IMPORTANT NOTE:

When completing the on-line application, always refer to the on-line instruction screens for all rules regarding variable rates and values referred to in these guidelines, (e.g. mileage rates, deadlines, contact information). The on-line instruction screens are maintained by DPS VOCA and are current for this funding year.